

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SHALONDA DANSBY,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	1:16-cv-02009-MHC-JKL
)	
v.)	
)	
ABC FINANCIAL CORP.,)	
)	
Defendant.)	
_____)	

PLAINTIFF'S INITIAL DISCLOSURES

Pursuant to FED. R. CIV. P. 26(a)(1), Plaintiff Shalonda Dansby, by and through undersigned counsel, hereby makes the following Initial Disclosures. Plaintiff reserves the right to supplement these Disclosures. Plaintiff's Initial Disclosures are made without waiving: (1) the right to object on the grounds of competency, privilege, relevance, hearsay, or other proper grounds; (2) the right to object to the use of any information disclosed herein, in whole or in part, for any purpose in this action or any other action; and (3) the right to object on any and all proper grounds to any discovery request or proceeding involving or relating to the subject matter of these Disclosures.

Plaintiff hereby incorporates by reference, as if fully stated herein, any witness or documents identified by Defendant in its FED. R. CIV. P. 26(a)(1) disclosures or subsequently identified by any party in discovery responses or deposition testimony.

(1) State precisely the classification of the cause of action being filed, a brief factual outline of the case including plaintiff's contentions as to what defendant did or failed to do, and a succinct statement of the legal issues in the case.

Plaintiff filed this action seeking damages, attorneys' fees, and costs for Defendant's unauthorized calls to her cellular phone in violation of the Telephone Consumer Protection Act ("TCPA"), Fair Debt Collection Practices Act ("FDCPA") and the Georgia Fair Business Practices Act ("GFBPA").

Specifically, Defendant began calling Plaintiff prior to June 15, 2015, seeking to collect an alleged consumer debt. Plaintiff never provided consent to be contacted by Defendant and to the extent Plaintiff did, Plaintiff explicitly revoked that consent prior to June 15, 2015. Defendant continued to make calls to Plaintiff after she had instructed Defendant to not call again.

Plaintiff contends that the legal issues to be determined are as follows:

- i. Whether Defendant violated the TCPA;
- ii. Whether Defendant violated the FDCPA;

- iii. Whether Defendant violated the GFBPA; and,
- iv. Whether Plaintiff is entitled to recover damages from Defendant, and if so, in what amount.

(2) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which plaintiff contends are applicable to this action.

Applicable statutes, codes, and legal principles include, without limitation, 28 U.S.C. § 1331, 15 U.S.C. §§ 1692 *et seq.*, 47 U.S.C. § 227, *et seq.*, and O.C.G.A. § 10-1-393, *et seq.*

Plaintiff respectfully reserves the right to supplement this response as appropriate.

(3) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A.

See Attachment “A.” Discovery is ongoing, and Plaintiff reserves the right to supplement this response.

(4) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in FED. R. CIV. P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Responses to Initial Disclosures as Attachment B.)

At this time, Plaintiff has not identified any experts who will be testifying. Discovery is ongoing, and Plaintiff reserves the right to supplement this response.

(5) Provide a copy of, or a description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)

See Attachment "C." Discovery is ongoing, and Plaintiff reserves the right to supplement this response.

(6) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including

materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying as under FED. R. CIV. P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)

Plaintiff is currently seeking damages related to Defendant's violations of the FDCPA, TCPA and GFBPA. These damages include:

- a) Statutory and/or Punitive Damages – Plaintiff is seeking statutory and/or punitive damages from Defendant for its violations of the FDCPA pursuant to 15 U.S.C. § 1692k. Plaintiff is seeking statutory and/or punitive damages from Defendant for its violations of the TCPA pursuant to 47 U.S.C. § 227(b)(3). Plaintiff is seeking statutory and/or punitive damages from Defendant for its violations of the GFBPA pursuant to O.C.G.A. § 10-1-399(d).
- b) Other Actual Damages – Actual damages in an amount to be determined by the jury/court as a result of Defendant's violations of the FDCPA, TCPA and GFBPA.
- c) Plaintiff has suffered additional damages in legal fees and costs in this lawsuit that continue to accrue. Plaintiff will make available for inspection and copying, in accordance with Rule 34, non-privileged or otherwise non-

protected documents relating to the computation of damages at a mutually agreeable time and place.

(7) Attach for inspection and copying as under FED. R. CIV. P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)

Not applicable.

(8) Disclose the full name, address, and telephone number of all persons or legal entities who have a subrogation interest in the cause of action set forth in plaintiff's cause of action and state the basis and extent of such interest.

Not applicable.

Respectfully submitted, this 2nd day of November, 2016.

BERRY & ASSOCIATES

/s/ Adam Klein

Adam Klein
Georgia Bar No. 425032
Matthew Berry
Georgia Bar No. 055663
2751 Buford Highway, Suite 600

Atlanta, GA 30324
Telephone: (404) 235-3300
aklein@mattberry.com
matt@mattberry.com

ATTACHMENT A

Name, Address, Telephone	Subject of Information
<p>Shalonda Dansby</p> <p><i>Contact via Plaintiff's Counsel</i></p> <p>Adam Klein Matthew Berry Berry and Associates 2751 Buford Highway NE, Suite 600 Atlanta, Georgia 30324 Ph. (404) 235-3300 Fax (678) 383-2598 aklein@mattberry.com matt@mattberry.com</p>	<p>Shalonda Dansby is the Plaintiff and is likely to have discoverable information as to topics set forth in the Complaint.</p>
<p>One or more corporate representatives of ABC Financial Services, Inc.</p> <p><i>Contact via Defendant's Counsel</i></p>	<p>Defendant's corporate representatives will have information regarding the calls at issue in the Complaint, Defendant's policies and procedures regarding customer contact, and the phone systems used to contact Plaintiff.</p>

ATTACHMENT C

1. Plaintiff's phone records contain evidence of repeated, unauthorized phone calls made by the Defendant to Plaintiff. Plaintiff's phone records will need to be subpoenaed from Plaintiff's cellular service provider.

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2016, I caused the electronic filing of the foregoing document to be filed with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notifications of such filing to all attorneys of record that have appeared in this case.

BERRY & ASSOCIATES

/s/ Adam Klein

Adam Klein
Georgia Bar No. 425032

One of Plaintiff's Attorneys